

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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EDGAR TELESFORD,

Plaintiff,

-against-

NEW YORK CITY DEPARTMENT OF EDUCATION;
MALIK SMALL, PRINCIPAL OF EAST NEW YORK
MIDDLE SCHOOL OF EXCELLENCE; AND JOYCE
STALLINGS-HARTE, SUPERINTENDENT of
COMMUNITY SCHOOL DISTRICT 19,

Defendants.

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**NOTICE OF MOTION FOR
JUDGMENT ON THE
PLEADINGS**

16 Civ. 819 (CBA)(SMG)

PLEASE TAKE NOTICE that, upon the declaration of Natalie S. Marcus, dated December 1, 2017, and the exhibit annexed thereto, the affidavit of Madeline Abo, dated November 27, 2017, the accompanying Defendant New York City Department of Education's ("DOE") Memorandum of Law in Support of Its Motion For Judgment On The Pleadings Dismissing the Complaint, dated December 1, 2017, and upon all the papers and proceedings previously had herein, defendant DOE will move this Court, before the Honorable Carol Bagley Amon, United States District Judge, Eastern District of New York, at the Courthouse thereof, United States Courthouse for the Eastern District of New York, 225 Cadman Plaza East, Brooklyn, New York 11201, on January 24, 2018, at 2:00 p.m. for a judgment, pursuant to Rule 12(c) of the Federal Rules of Civil Procedure, granting defendant DOE Judgment On The Pleadings dismissing the amended complaint in its entirety on the grounds that the amended complaint is barred by the failure to exhaust, by the failure to perform all conditions precedent to suit, and also fails to state a claim upon which relief can be granted, and dismissal of defendants Malik Small and Joyce Stallings-Harte for failure to serve them with the summons and

complaint, and, entering judgment for defendant DOE, and granting defendant DOE costs, fees, and expenses, together with such other and further relief as the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to the Court's order, dated November 14, 2017, plaintiff shall serve his response to Defendant's Motion For Judgment On the Pleadings on defendant by December 29, 2017, and defendant shall serve its reply, if any, on plaintiff by January 8, 2018.

Dated: New York, New York
December 1, 2017

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By: /s/ Natalie S. Marcus
Natalie S. Marcus
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